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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/015,125

12/11/2001

Lawrence Steven Salant

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06/10/2004

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EXAMINER

LAU, TUNG S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,125

Applicant(s)

SALANT ET AL.

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-13-2004 has been entered

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 18, 24, 28, 29, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19-23, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chery et al. (U.S. Patent 6,124,847).

Regarding claim 1:

Chery discloses an oscilloscope apparatus, comprising: a display for displaying a plurality of received or processed data signals (fig. 1d, unit 34); a toolbar

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comprising a plurality of choices displayed on said display (fig. 27a, unit 550, Col. 65, Lines 27-51); and a user interface for selecting one of said displayed data signals (Col. 65, Lines 27-51), said display further displaying only the most common items of said toolbar that apply to the selected data signal determined by the characteristics of the selected data signal (Col. 65, Lines 27-51), the selected data signal being defined as the data source for the items of the toolbar Col. 65, Lines 27-51, fig. 27c).

Regarding claim 18:

Chery discloses an oscilloscope apparatus, comprising: a display for displaying a plurality of received or processed data signals (fig. 1d, unit 34); a toolbar comprising a plurality of choices displayed on said display (fig. 27a, 27b), a user interface for selecting one of said displayed data signals displayed on said display (fig. 27b, fig. 27c, unit 570, 574, 576), and a pop-up context sensitive toolbar displayed on said display, said context sensitive toolbar displaying only the most common items of said toolbar that apply to said selected data signal determined by the characteristics of the selected data signal (Col. 65, Lines 27-51), the selected data signal being defined as the data source for the items of the toolbar (, fig. 27c, Col. 65, Lines 27-51).

Regarding claim 24:

Chery discloses a method for viewing a waveform on an oscilloscope, comprising the steps of: displaying a plurality of received or processed data signals (fig. 11d, unit 20, 36); displaying a toolbar comprising a plurality of choices; selecting one

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of said data signals displayed on said display (fig. 27b); and displaying only the most common items of said toolbar (Col. 65, Lines 27-51) that apply to the selected data signal determined by the characteristics of the selected data signal (Col. 65, Lines 27-51), the selected data signal being defined as the data source for the items of the toolbar (fig. 11d).

Regarding claim 28

Chery discloses a method for viewing a waveform on an oscilloscope, comprising the steps of displaying a plurality of received or processed data signals; displaying a toolbar comprising a plurality of choices (Col. 65, Lines 27-51), selecting one of said data signals displayed on said display (fig. 11d, fig. 27a, b); and displaying a pop-up context sensitive toolbar, said context sensitive toolbar displaying only the most common items of said toolbar (Col. 65, Lines 27-51) that apply to said selected ' data signal determined by the characteristics of the selected data signal (Col. 65, Lines 27-51), the selected data signal being defined as the data source for the items of the toolbar (Col. 65, Lines 27-51, fig. 11d, 27b).

Regarding claim 29

Chery discloses an oscilloscope apparatus, comprising: an acquisition unit for acquiring a waveform (Col. 65, Lines 27-51, fig. 11d, 27b); a processor for processing said waveform to obtain a plurality of measurements (fig. 12, unit 238); a renderer for displaying said waveform and a plurality of received and

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processed data signals respectively and showing the plurality of measurements on a display (Col. 65, Lines 27-51, fig. 11d, 27b, fig. 12, unit 238, fig. 16a); a toolbar comprising a plurality of choices displayed on said display (Col. 65, Lines 27-51, fig. 11d, 27b); and a user interface for selecting ' one of said data similar displayed on said display (Col. 65, Lines 27-51, fig. 11d, 27b), said renderer displaying only the most common items of said toolbar that apply to the selected data signal determined by the characteristics of the selected data signal (Col. 65, Lines 27-51, fig. 11d, 27b), the selected data signal being defined as the data source for the items of the toolbar (Col. 65, Lines 27-51, fig. 11d, 27b).

Regarding claim 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19-23, 25-27 :

Chery discloses the data signal is a waveform (fig. 11c, unit 36); data is a measurement signal (fig. 11c); curser value (fig. 11c, unit 10, 36); item is a change type (fig. 11d, unit 36); item is a turn off (fig. 11d, unit 36); data is a parameter (fig. 11d, unit 36); data is a trend (fig. 11d, unit 36); data is setup (fig. 11d, unit 36), is a histogram (fig. 11d, unit 36); data is a channel (fig. 11d, unit 36); is a setup channel (fig. 11d, unit 36), a define zoom (fig. 11d, unit 36, fig. 27b); is a meth trace (fig. 11d, unit 36); is a define measurement (fig. 11d, unit 36); data is a trace (fig. 11d, unit 36); data is a grid (fig. 11d, unit 36); toolbar are predetermined (Col. 65, Lines 27-51, fig. 27a, b); prior use of the toolbar of the data (fig. 27b); items is display with data signal (fig. 27b, fig. 11c); data based on one or more value of the signal (fig. 11c).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 18, 24, 28, 29, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19-23, 25-27 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 3/31/2004 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the displaying only the most common item: of said toolbar that apply to the selected data signal determined by the characteristics of the selected data signal the selected data signal being defined as the data source for the items of the toolbar. Chery discloses displaying only the most common items of said toolbar that apply to the selected data signal determined by the characteristics of the selected data signal (Col. 65, Lines 27-51), the selected data signal being defined as the data source for the items of the toolbar Col. 65, Lines 27-51, fig. 27c).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL


MICHAEL NGHIEM
PRIMARY EXAMINER

6/8/04